

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YESENIA PACHECO, *et al.*,

Plaintiffs,

V.

UNITED STATES OF AMERICA.

Defendant.

Case No. C15-1175RSL

**ORDER GRANTING
DEFENDANT'S MOTION TO
EXCLUDE 2020 OPINIONS OF DR.
HAL ZIMMER**

This matter comes before the Court on “Defendant’s Motion To Exclude the Expert Opinion of Hal Zimmer, M.D.” Dkt. # 136. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

In his original report, Dr. Zimmer summarized the hospital records related to S.L.P.'s delivery and found no fault with the care provided by the hospital. In early 2020, Dr. Zimmer provided a second report related to the physical and emotional damages Ms. Pacheco suffered in giving birth to S.L.P., as well as the financial burdens associated with that event. Because the second report was provided long after discovery had closed, defendant had no opportunity to question Dr. Zimmer regarding the new opinions or to obtain an expert to rebut the newly-proffered testimony. These opinions could have and should have been disclosed in a timely manner.

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For all of the foregoing reasons, defendant's motion to exclude is GRANTED. Dr. Zimmer will not be permitted to testify regarding the opinions that were first disclosed in his March 31, 2020, report.

Dated this 8th day of June, 2020.

Mrs Casnik

Robert S. Lasnik
United States District Judge